IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.979 OF 2007
WITH
CIVIL APPLICATION NO.1340 OF 2007
IN
APPEAL FROM ORDER NO.979 OF 2007

Kanchan Ramesh Tiwari : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.980 OF 2007
WITH
CIVIL APPLICATION NO.1341 OF 2007
IN
APPEAL FROM ORDER NO.980 OF 2007

Mrs.Manda Ravindra Dubey : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.981 OF 2007
WITH
CIVIL APPLICATION NO.1342 OF 2007
IN
APPEAL FROM ORDER NO.981 OF 2007

Miss Pooja S. Tiwari : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.982 OF 2007
WITH
CIVIL APPLICATION NO.1343 OF 2007

IN
APPEAL FROM ORDER NO.982 OF 2007

Mrs.Surekha Suresh Rangleo : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.983 OF 2007
WITH
CIVIL APPLICATION NO.1344 OF 2007
IN
APPEAL FROM ORDER NO.983 OF 2007

Mrs.Geeta Devi Shyam
Shankar Uppadhyay : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.984 OF 2007
WITH
CIVIL APPLICATION NO.1345 OF 2007
IN
APPEAL FROM ORDER NO.984 OF 2007

Mrs.Sneha Prashant Pawar : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.985 OF 2007
WITH
CIVIL APPLICATION NO.1346 OF 2007
IN
APPEAL FROM ORDER NO.985 OF 2007

Mr.Vikas Ramji Pandey : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.986 OF 2007
WITH
CIVIL APPLICATION NO.1347 OF 2007
IN
APPEAL FROM ORDER NO.986 OF 2007

Mr.Dinesh Kumar Khyalilal Jain : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.987 OF 2007
WITH
CIVIL APPLICATION NO.1348 OF 2007
IN
APPEAL FROM ORDER NO.987 OF 2007

Mr.Jethalal K. Bhanushali : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.988 OF 2007
WITH
CIVIL APPLICATION NO.1349 OF 2007
IN
APPEAL FROM ORDER NO.988 OF 2007

Mrs.Indira Durga Shankar Purohit : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.989 OF 2007
WITH
CIVIL APPLICATION NO.1350 OF 2007

IN
APPEAL FROM ORDER NO.989 OF 2007

Mr.Pawan Kumar R. Kothari : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.990 OF 2007
WITH
CIVIL APPLICATION NO.1351 OF 2007
IN
APPEAL FROM ORDER NO.990 OF 2007

Mr.Sharad Bhagwat Kadam : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.991 OF 2007
WITH
CIVIL APPLICATION NO.1352 OF 2007
IN
APPEAL FROM ORDER NO.991 OF 2007

Mr.Sunil Ramji Pandey : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.992 OF 2007
WITH
CIVIL APPLICATION NO.1353 OF 2007
IN
APPEAL FROM ORDER NO.992 OF 2007

Mr.Ganesh Ramesh Tiwari : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.993 OF 2007
WITH
CIVIL APPLICATION NO.1354 OF 2007
IN
APPEAL FROM ORDER NO.993 OF 2007

Mrs.Kanta Sunil Kumar Lodha : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

ALONG WITH
APPEAL FROM ORDER NO.994 OF 2007
WITH
CIVIL APPLICATION NO.1355 OF 2007
IN
APPEAL FROM ORDER NO.994 OF 2007

Mr.Dilip KUmar Sohanlal Jain : Applicant
versus
Mumbai Metropolitant Regional
Development Authority : Respondent

Mr.Mohan A. Dharmaraj for the applicant.

Ms.Kiran Bhagali for Respondents in A.O.979/07 to 986/07

Mr.K.S.Patil for the Respondent in A.O.987/07 to 994/07

CORAM : J.H.BHATIA, J.

DATED : DECEMBER 14, 2007.

COMMON P.C.

1. After discussion at Bar and after perusal

of the provisions of Resettlement and Rehabilitation Policy Mumbai Urban Transport Project (MUTP) (as amended in December 2000), it appears that as per Clause 15 of the said policy, R & R Agency shall designate a senior officer at the local level to consider any grievance of PAPs in consultation with the concerned NGO and give his decision in writing, within a stipulated time period. If the aggrieved PAP is not satisfied with this decision, final appeal, could be made to the Grievance Redressal Committee appointed by the R & R Agency. It appears that one Sham Kishor Sharan - the vendor of all the present appellants had sold certain structures to the appellants and in Para 10 of the sale deed he had declared that he has no objection, if the concerned authority cancels his name for the purpose of Resettlement and Rehabilitation under the said Scheme. It is necessary to consider, whether the benefits which were available to the said vendor may be passed on to the purchasers. Besides that the claim of the plaintiffs/appellants that they are in actual occupation of these structures since 2001 can also be considered by the designated authority.

2. In view of this provision, the learned counsel for the appellants seeks to withdraw all these appeals as well as the suits before the trial Court with liberty to make representations before the Designated Authority (Field Level Grievance Committee, MMRD). Therefore, all the appeals stand disposed of as withdrawn with liberty to the appellants to submit their representations to the Designated Authority (Field Level Grievance Committee, MMRD) as per clause 15 of the Policy within one week from this day.. The Designated Authority shall, on receipt of the representations, give date to the appellants for hearing. The appellants shall make their submissions either themselves or through their advocates. and, after hearing, the Designated Committee, shall decide the said representations within one week. In case the appellants are not satisfied with that decision, they may prefer an appeal before the Grievance Redressal Committee (Senior Field Level Grievance Committee, MMRD) within one week from the order of the Designated Committee and the Grievance Redressal Committee shall decide the appeals after hearing the concerned parties as early as possible and preferably within two weeks. As

Clause 16 of the Police requires completion of resettlement prior to commencement of civil works, status quo in respect of the present structures of the appellants shall be maintained till the decision of the Grievance Redressal Committee in case the appeals are preferred and in case the decision in appeals goes against the appellants, for further period of two weeks from the communication of the decision of the Grievance Redressal Committee.

3. As the appeals are disposed of, the civil applications do not survive and stand disposed of.

4. Concerned parties shall act upon authenticated copy of this Order.

[J.H.BHATIA,J]